

### **REMARKS**

The present Amendment amends claims 1-11 and cancels claims 12-20.

Therefore, the present application has pending claims 1-11.

#### **35 U.S.C. §101 Rejections**

Claims 12-20 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. As indicated above, claims 12-20 were canceled.

Therefore, this rejection is rendered moot.

#### **35 U.S.C. §112 Rejections**

Claims 2-8 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. This rejection is traversed for the following reasons.

Applicants submit that claims 2-8, as now more clearly recited, are in compliance with the provisions of 35 U.S.C. §112.

#### **35 U.S.C. §102 Rejections**

Claims 1, 4, 6, 9, 10, 11, 14, 16, 19, and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,537,595 to Sakata. This rejection is traversed for the following reasons. As indicated above, claims 14, 16, 19, and 20 were canceled. Therefore, this rejection regarding claims 14, 16, 19, and 20 is rendered moot. Regarding the remaining claims 1, 4, 6, 9, 10, 11, Applicants submit that the features of the present invention as now more clearly recited in claims 1, 4, 6, 9, 10, 11 are not taught or suggested by Sakata, whether taken individually or in combination any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims to more clearly describe features of the present invention. Specifically, amendments were made to the claims to more

clearly recite that the present invention is directed to a program execution state monitoring method, as recited, for example, in independent claims 1, 4, 6, and 9-11.

The present invention, as recited in claim 1, and as similarly recited in claims 4, 6, and 9-11, provides a program execution state monitoring method using a computer for acquiring a plurality of item values associated with the program execution state at intervals linked to a plurality of items corresponding to the item values, and stored in a storage device. The method includes comparing an item value of an item of the plurality of items to a condition linked to the item and stored in the storage device. If the condition is not satisfied, the method includes modifying an interval of an item belonging to a group linked to the compared item and stored in the storage device to an item value smaller than the interval of the item belonging to the group. The method also includes modifying an interval of at least one item not belonging to the group to an item value greater than the interval of the at least one item not belonging to the group. The prior art does not disclose all of these features.

The above described features of the present invention, as now more clearly recited in the claims, are not taught or suggested by any of the references of record, particularly Sakata, whether taken individually or in combination with any of the other references of record.

Sakata teaches a device management system in a computer system. However, there is no teaching or suggestion in Sakata of the program execution state monitoring method as recited in claims 1, 4, 6 and 9-11 of the present invention.

Sakata discloses a device management system in a computer system, including a unit for measuring a load condition of a device such as a real memory to be managed. A unit is also included for determining a management period such as

an update period of a real page in a real memory in accordance with the load condition, such as an unreference interval count (UIC) of the real page. The management period is determined such that, the larger the value of the load condition is, the shorter the management period, or the larger the UIC of the real is, the longer the update period. Since the management period is changed in accordance with the load condition of the device to be managed, management of devices is thereby accomplished with a lesser Central Processing Unit (CPU) time. Additionally, the device management system updates a time value for which a real page has not been referenced.

In the present invention, when the collection intervals of one item value to be monitored are made short, the collection intervals of other item values are made long. If the computer load becomes heavy, the collection intervals of at least one item value are made long, while setting an upper limit on the number of the item values of which the collection intervals are made short. Further, the upper limit and the lower limit of the collection intervals of each item value are changed based on the item status and the computer load.

On the other hand, Sakata discloses setting a short management period for a device to be managed when the device load is high, and setting a long management period for the device when the device load is low. Sakata also discloses determining the management period such that the larger the unreferenced interval count of the real page is, the longer the update period (see, e.g., the Abstract).

The present invention distinguishes over Sakata, in that Sakata changes the management period according to the load of the device to be management at the time, whereas in the present invention, the collection intervals are changed depending on the item to be monitored. More specifically, in the present invention,

the collection intervals of one item value is made shorter while making the collection intervals of other item values longer. As a result, the entire load for the value collection is reduced. Sakata does not disclose these features.

One feature of the present invention, as recited in claim 1, and as similarly recited in claims 4, 6 and 9-11, includes comparing an item value of an item of the plurality of items to a condition linked to the item and stored in the storage device. Sakata does not disclose this feature. To support the assertion that Sakata teaches this feature, the Examiner cites column 2, lines 34-38. However, neither the cited text, nor any other portion of Sakata teaches the claimed feature. For example, the cited text describes where a device management system includes a load measuring unit for measuring a value of a load condition of a device to be managed, and a management determining unit for determining, in accordance with the value of the load condition measured by the load measuring unit, a management period. This mere measuring a value, and determining a management period in accordance with the value, is not the same as comparing an item value of an item to a condition linked to the item, as in the present invention. A comparison, as claimed, is not disclosed in Sakata. Therefore, Sakata does not teach the claimed feature.

Another feature of the present invention, as recited in claim 1, and as similarly recited in claims 4, 6 and 9-11, includes where if the condition is not satisfied, a step is performed of decreasing an interval of an item belonging to a group linked to the compared item and stored in the storage device. Sakata does not disclose this feature. To support the assertion that Sakata teaches this feature, the Examiner cites column 2, lines 38-41. However, neither the cited text nor any other portions of Sakata teach or suggest the claimed features. For example, the cited text discloses determining a management period in such a way that the larger the value of the load

condition, the shorter the management period, and the smaller the value of the load condition, the longer the management period. This is not the same as performing a step if a condition is not satisfied. Furthermore, this is not the same as decreasing an interval of an item belonging to a group linked to the compared item, as in the present invention.

Yet another feature of the present invention, as recited in claim 1, and as similarly recited in claims 4, 6 and 9-11, includes a step of increasing an interval of at least one item not belonging to the group. Sakata does not disclose this feature. To support the assertion that Sakata teaches this feature, the Examiner again cites column 2, lines 38-41. However, neither the cited text nor any other portions of Sakata teach or suggest the claimed features. As previously discussed, the cited text discloses determining a management period in such a way that the larger the value of the load condition, the shorter the management period, and the smaller the value of the load condition, the longer the management period. This not the same as increasing an interval of an item not belonging to the group linked to the compared item, as in the present invention.

Therefore, Sakata fails to teach or suggest "comparing an item value of an item of the plurality of items to a condition linked to the item and stored in the storage device" as recited in claim 1, and as similarly recited in claims 4, 6 and 9-11.

Furthermore, Sakata fails to teach or suggest "if the condition is not satisfied, decreasing an interval of an item belonging to a group linked to the compared item and stored in the storage device" as recited in claim 1, and as similarly recited in claims 4, 6 and 9-11.

Even further, Sakata fails to teach or suggest "increasing an interval of at least one item not belonging to said group" as recited in claim 1, and as similarly

recited in claims 4, 6 and 9-11.

Therefore, Sakata does not teach or suggest the features of the present invention, as recited in claims 1-11. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-11 as being anticipated by Sakata are respectfully requested.

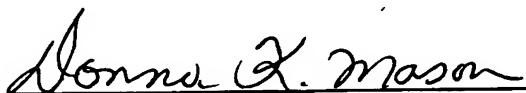
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claims 1-11.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-11 are in condition for allowance. Accordingly, early allowance of claims 1-11 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (referencing Attorney Docket No. 500.43089X00).

Respectfully submitted,

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